

## MARINE CONSERVATION (LICENSING OF SPEAR GUNS) DIRECTIVES, 1986

In exercise of the powers and functions conferred on the Marine Conservation Board by sections 3 and 4 of the Marine Conservation Law, 1978, the following directives putting into effect the decisions of the Board are hereby issued for the guidance of the public:

- Citation. 1. These directives may be cited as the Marine Conservation (Licensing of Spear Guns) Directives, 1986.
- Interpretation. 2. In these directives -  
“species” means a group, having certain common and permanent characteristics which clearly distinguish it from other groups, the members of which are able to interbreed;  
“spear gun” means any device whereby a harpoon, rod, spear or other projectile may be impelled through water;  
“retail licence” has the meaning assigned by section 4(2);  
“user’s licence” has the meaning assigned by section 4(3).
- Limitations upon issue. 3. (1) The Board will not issue any licence to any person who -  
(a) at the time of making application for a licence is less than 18 years of age; or  
(b) does not possess Caymanian status, unless such person has been ordinarily resident in the Cayman Islands for 5 years or more immediately prior to the time of making application for a licence.  
  
(2) In considering applications for licences from persons other than those disqualified under paragraph (1), the Board will have regard to all the circumstances of the case, and in particular to whether the applicant has been convicted of any offence against the Marine Conservation Law, 1978 or any regulations made thereunder, or of any offence involving violence or the threat of violence.
- Types of licence. 4. (1) The Board will issue two types of licences, namely retail licences and user’s licences.

(2) A retail licence will license the holder to possess the number of spear guns stated therein for the purpose of retail to members of the public, and for that purpose only.

(3) A user's licence will license the holder to possess the number of spear guns stated therein and to take marine life with them.

Retail licences: conditions.

5. (1) The Board, when granting a retail licence, will -

- (a) fix the maximum number of spear guns that may be possessed under the licence, which maximum will not exceed the number of spear guns held by the applicant at the time of making his application;
- (b) stipulate the place or places at which spear guns the possession of which is permitted by the licence may be kept;
- (c) require that the licence holder only sell spear guns to individuals duly licensed to possess them under a user's licence, and to no other persons whatsoever.

(2) Possession of a spear gun by a retail licence holder in excess of the number permitted under paragraph (1)(a) or at any place not stipulated under paragraph (1) (b) will not be possession licensed by the Board, and will therefore constitute an offence under the Marine Conservation Law, 1978.

User's licenses: conditions.

6. (1) The Board, when granting a user's licence, will -

- (a) fix the number of spear guns that may be possessed under the licence, which number will normally be limited to one;
- (b) limit the number of fish that may be taken in any one period of twenty four hours beginning at mid-night to a maximum of 6 fish of which no more than 3 may be taken from any one species;
- (c) prohibit the use of any spear gun in any replenishment, marine park, or environmental zone;
- (d) prohibit the use of any spear gun within two hundred yards of any dive or snorkel boat flying a dive flag indicating that there are divers in the water; and
- (e) prohibit the use of any spear gun in any designated grouper spawning area.

(2) Possession of a spear gun by a user's licence holder in excess of the number permitted under paragraph 1(a) will not be possession licensed by the Board, and will therefore constitute an offence under the Marine Conservation Law, 1978.

General conditions.

7. Every licence, of whatever type, issued by the Board will be subject to the following conditions -

- (a) it will be for a period of one year, after which the licence holder must re-apply to the Board;
- (b) it will not be transferable under any circumstances whatsoever;
- (c) it will prohibit the licence holder from importing or causing to be imported into the Cayman Islands any spear gun, or any component part for any spear gun;
- (d) it may be revoked by the Board acting in its absolute discretion.

Revocation

8. (1) The Board may revoke a licence if it appears to the Board that -

- (a) any material particular on the application for the licence was false;
- (b) the licence holder is convicted of any offence under the Marine Conservation Law, 1978 or any regulations made thereunder;
- (c) the licence holder is convicted of any offence involving violence or the threat of violence; or
- (d) the licence holder contravenes any condition or restriction of the licence, whether or not the licence holder is prosecuted or convicted of any offence in relation to such contravention.

(2) Any revocation of a licence will be notified to the licence holder and to the police by a notice in writing and such notice will be expressed to terminate the licence 14 days after the service of the notice upon the licence holder, and thereafter he will no longer be licensed by the Board.

Decided at the meeting of the Marine Conservation Board held on 4th February, 1986.

**KEARNEY GOMEZ**  
Chairman of the Marine Conservation Board